

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION – DETROIT**

**IN RE:**

Andrew S. Porter

Debtor.

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Case No. 19-44552-MBM

Hon. Marci B. McIvor

Chapter 7

**TRUSTEE'S EX PARTE APPLICATION TO EMPLOY  
COUNSEL, LIEBERMAN, GIES & COHEN, PLLC**

The Chapter 7 Trustee, Fred J. Dery ("Trustee" or "Applicant"), for his Ex Parte Application to Employ Counsel, Lieberman, Gies & Cohen, PLLC states as follows:

1. Fred J. Dery is the duly qualified, appointed and acting trustee in this case.
2. Applicant requires the advice and assistance of counsel for the following purposes:
  - a. take legal action necessary to recover any preferential or fraudulent transfers, real or personal property, or any other assets which are property of the estate pursuant to the Bankruptcy Code;
  - b. prepare all applications, motions, orders, reports and appear at hearings as Trustee deems necessary to effectuate the sale of assets or collection of assets;
  - c. prepare and review pleadings, motions, orders, reports and correspondence related to the administration of the estate;
  - d. appear at, and be involved in, proceedings before this Court;
  - e. examine and investigate claims asserted against the estate;

f. such other legal services as Trustee may request and that may be necessary in the case under the circumstances.

3. Applicant requests authority to employ Scott A. Gies and the firm of Lieberman, Gies & Cohen, PLLC to represent him in this case.

4. Scott A. Gies and the firm of Lieberman, Gies & Cohen, PLLC have agreed to represent the Trustee and be compensated on an hourly basis in the amounts set forth in the Declaration of Disinterestedness filed separately in this case, to be paid by the estate from any recovery of assets in this matter after approved by the Court under Sections 330 or 331 of the Bankruptcy Code.

5. Upon reasonable information and belief, neither Scott A. Gies, nor any member of the firm Lieberman, Gies & Cohen, PLLC, hold an interest adverse to the estate and all are a disinterest persons as defined by 11 U.S.C. § 101(14).

6. Upon reasonable information and belief, neither Scott A. Gies nor any member of the firm Lieberman, Gies & Cohen, PLLC, has or ever had any connection with the Debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee or any other person employed in the office of the United States Trustee, except as may otherwise be disclosed in the Affidavit of Disinterestedness filed contemporaneously in connection herewith.

7. It would be in the best interest of creditors to permit Scott A. Gies, an attorney duly licensed to practice in this Court and other courts in the State of Michigan, and the firm Lieberman, Gies & Cohen, PLLC to act as counsel for the Trustee in these proceedings.

**WHEREFORE**, Trustee respectfully requests that an Order be entered authorizing the employment of Scott A. Gies and the firm Lieberman, Gies & Cohen, PLLC, as counsel for the Trustee in this case.

By: /s/ Fred J. Dery  
Fred J. Dery, Chapter 7 Trustee

Electronically submitted by:

/s/ Scott A. Gies  
Scott A. Gies (P56346)  
31313 Northwestern Highway, Suite 200  
Farmington Hills, MI 48334  
248.539.5500  
[scott@lqcpllc.com](mailto:scott@lqcpllc.com)

Dated: April 24, 2019

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**ORDER AUTHORIZING TRUSTEE TO EMPLOY COUNSEL,  
LIEBERMAN, GIES & COHEN, PLLC**

This matter having come before this Court upon the Trustee's Ex-Parte Application to Employ Counsel, Lieberman, Gies & Cohen, PLLC pursuant to 11 U.S.C. § 327 and F.R. Bankr. P. 2014, the Court having read same, and otherwise being fully advised in the premises;

**NOW, THEREFORE**, upon the Application of Fred J. Dery, Trustee,

**IT IS HEREBY ORDERED** that Scott A. Gies and the firm Lieberman, Gies & Cohen, PLLC are authorized and empowered to act as counsel for the Trustee in the administration of the bankruptcy estate in the above-entitled case;

**IT IS FURTHER ORDERED** that any and all compensation for fees and expenses incurred by counsel for Trustee are subject to the approval of the Court pursuant to 11 U.S.C. §§ 330 and 331, and F.R. Bankr. P. 2016.

EXHIBIT A

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**DECLARATION OF DISINTERESTEDNESS**

I, Scott A. Gies, being dully sworn state that I am an Attorney at Law with the firm Lieberman, Gies & Cohen, PLLC ("LGC") that I am authorized to make this Declaration, that based upon my personal knowledge and upon information furnished to me in the above-referenced case and in my conflict check with the firm, neither myself nor any member of LGC has been employed by or had any connection with the Debtor, Debtors creditors, or any other party in interest, their respective attorneys or accountants. Jill Gies, my spouse, is employed by the Office of the United States Trustee; I do not believe that this circumstance constitutes a conflict of interest; that neither myself nor LGC has an interest adverse to the Debtor, the creditors, or the Estate; that except for the previously disclosed connection to the Office of the United States Trustee, I and LGC are disinterested persons as defined by 11 U.S.C. § 101(14) and that we should be allowed to act as counsel for the Trustee. In the event it is later discovered that LGC has any direct connections with any parties in interest, I shall supplement this Declaration to disclose such further information.

Fred J. Dery, in his capacity as Trustee of this Bankruptcy Estate, has requested that I, Scott A. Gies, and the firm Lieberman, Gies & Cohen, PLLC act as his attorney in this matter. Hourly rates shall be as follows and are subject to periodic increases in accordance with regular business practices:

Michael D. Lieberman	\$325.00
Scott A. Gies	\$300.00
Steven J. Cohen	\$300.00
Paralegals	\$100.00

Any direct out of pocket costs will be charged to the Estate. Copies will be charged at \$0.25 per page and facsimile transmission from the firm shall be \$1.00 per page. There will be no charge for receipt of facsimile transmissions. The firm will not be compensated for any fees or costs without prior Court approval, as required by 11 U.S.C. §§ 330 and 331.

/s/ Scott A. Gies

Scott A. Gies (P56346)

LIEBERMAN, GIES & COHEN, PLLC

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**STATEMENT OF CONSENT TO ENTRY OF ORDER  
FOR EMPLOYMENT OF PROFESSIONAL**

Scott A. Gies states that he has sought and obtained approval from a staff attorney at the Office of the United States Trustee to the entry of an order authorizing the employment of Lieberman, Gies & Cohen PLLC as counsel for the Trustee.

LIEBERMAN, GIES & COHEN PLLC

/s/ Scott A. Gies

Scott A. Gies (P56346)

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Farmington Hills, MI 48334

248.539.5500

[scott@lqcpllc.com](mailto:scott@lqcpllc.com)

Dated: April 25, 2019

Approved by:

/s/ Leslie K. Berg

Office of the United States Trustee